



STATE OF DELAWARE
PUBLIC SERVICE COMMISSION
861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904
TELEPHONE: (302) 736-7500

July 2, 2019

Donna Nickerson, Secretary
Delaware Public Service Commission
861 Silver Lake Blvd.
Cannon Building, Suite 100
Dover, DE 19904

**RE: PSC DOCKET 18-0953 - IN THE MATTER OF THE APPLICATION OF
DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF A VOLUNTARY
PROGRAM FOR PREPAID POWER (FILED JULY 12, 2018).**

Dear Ms. Nickerson,

I have attached the following in connection with a proposed settlement among the parties in the captioned docket:

- (i) Motion to Stay the Docket.
- (ii) Hearing Examiner's Findings and Recommendations.
- (iii) Proposed Commission Order granting the Motion to Stay.

The parties respectfully request that this matter be placed on the Commission's agenda for consideration at its currently-scheduled July 16, 2019 meeting. The parties have advised that they are waiving the 20 day exception period with respect to the findings and recommendations.

Respectfully,

/s/ Glenn C. Kenton

Glenn C. Kenton, Esq.

Enc.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF DELMARVA POWER & LIGHT) PSC DOCKET NO. 18-0953
COMPANY FOR APPROVAL OF A)
VOLUNTARY PROGRAM FOR PREPAID)
POWER (Filed July 12, 2018))

JOINT MOTION TO STAY

Delmarva Power & Light Company (“Delmarva” or the “Company”), the Division of the Public Advocate (“DPA”), and the Delaware Public Service Commission Staff (“Staff”), all of whom together are the “Parties,” each individually a “Party,” by and through their undersigned counsel, hereby respectfully request that this docket be stayed, subject to the conditions described below. In support of their Joint Motion, the Parties provide the following:

1. On July 12, 2018, Delmarva filed an application (the “Application”) with the Delaware Public Service Commission (the “Commission”) pursuant to 26 *Del. C.* § 201 for Approval of a Voluntary Program for Prepaid Power (the “Prepaid Power Program” or the “Program”). The Application was accompanied by the pre-filed direct testimony of three witnesses.
2. By PSC Order No. 9262, the Commission required notice of Delmarva’s Application through newspaper publication, established a deadline for interventions, and assigned the matter to Hearing Examiner Glenn Kenton for evidentiary hearings and further proceedings.
3. The DPA exercised its statutory right to intervene in this matter.

4. Notice of public comment sessions to be held on November 1, 2018 in Georgetown, Delaware, on November 7, 2018 in Dover, Delaware, and on November 28, 2018 in New Castle, Delaware was published in the *News Journal* and the *Delaware State News*. Notice of these public comment sessions was also reflected on the procedural schedule published on Delafile. The public comment sessions were held as published.

5. Pursuant to the procedural schedule, the Settling Parties engaged in discovery. Delmarva also responded to informal discovery requests propounded by the DPA outside the procedural schedule. On January 30, 2019, DPA submitted direct testimony, and on January 31, 2019, Staff submitted direct testimony. On March 12, 2019, Delmarva filed rebuttal testimony.

6. An evidentiary hearing was held March 27, 2019. The Parties have completed post-hearing briefing.

7. After post-hearing briefing was completed but before the Hearing Examiner issued proposed findings and recommendations, Delmarva, Staff and the DPA engaged in negotiations to determine whether the matter could be settled, and jointly requested the Hearing Examiner to postpone issuing proposed findings and recommendations pending those negotiations.

8. The negotiations have borne fruit. Delmarva, Staff and the DPA have agreed that:

- a. The Parties will request the Commission to stay this docket pending the results of Baltimore Gas and Electric Company's Prepaid Pilot Program (the "BGE Pilot"), the results of the BGE Pilot being disseminated, and Pepco or Delmarva filing an application for a prepaid power program in Maryland.

b. Within a reasonable amount of time, not to exceed 60 days, of the conditions described in subparagraph (a) above having occurred, the Parties will meet to discuss the results of the BGE Pilot, Pepco and/or Delmarva's filing for a prepaid power program in Maryland, and the Parties' positions as to whether the Prepaid Power Program Delmarva proposed in Delaware should move forward as proposed, should be changed, or should be withdrawn.

c. If, after the conditions described in subparagraphs (a) and (b) above have occurred, Delmarva still wants to implement the Prepaid Power Program in Delaware, Delmarva may request the Commission for leave to remove the stay and set a procedural schedule. The procedural schedule shall provide a deadline by which Delmarva must file supplemental testimony either (1) continuing to propose the Prepaid Power Program as filed; or (2) amending its proposal. Neither DPA nor Staff will oppose Delmarva's request to remove the stay and file supplemental testimony.

d. The procedural schedule shall also provide a deadline by which DPA and/or Staff may seek leave to file testimony responsive to Delmarva's supplemental testimony, if they choose to do so, as well as a deadline for filing such testimony. Delmarva will not oppose such a request.

9. The Parties believe that: (1) the BGE Pilot will provide information on the results of the Program as filed in Maryland and whether any lessons learned should be incorporated into the evaluation and decision-making process with respect to whether to proceed with a Prepaid Power Program for Delaware, and, if so, whether the Program as

currently proposed should be modified; and (2) all parties' resources will be conserved if the stay is granted.

10. Delmarva currently anticipates that the results of the BGE Pilot will be available in or around the first quarter of 2021.

WHEREFORE, for the reasons set forth herein, the Parties respectfully request that this docket be stayed in accordance with the conditions described in Paragraph 8.

Respectfully submitted,

/s/ Lindsay B. Orr

Lindsay B. Orr (Del. I.D. No. 5321)
Assistant General Counsel
500 North Wakefield Drive
Newark, DE 19702
(302) 429-3143
Lindsay.Orr@exeloncorp.com

*Counsel for Delmarva Power & Light
Company*

/s/ Thomas D. Walsh

Thomas D. Walsh (Del. I.D. No. 3783)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 6th Floor
(302) 577-8319 (Wilmington)
(302) 736-7558 (Dover)
Thomasd.walsh@delaware.gov

*Counsel for the Delaware Public Service
Commission Staff*

/s/ Regina A. Iorii

Regina A. Iorii (Del. I.D. No. 2600)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 4th Floor
Wilmington, DE 19801
(302) 577-8159
regina.iorii@delaware.gov

*Counsel for the Delaware Division of the
Public Advocate*

Dated: June 27, 2019

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF DELMARVA POWER & LIGHT) PSC DOCKET NO. 18-0953
COMPANY FOR APPROVAL OF A)
VOLUNTARY PROGRAM FOR PREPAID)
POWER (Filed July 12, 2018))

PROPOSED FINDINGS AND RECOMMENDATIONS

Glenn Kenton, duly-appointed Hearing Examiner in this docket, hereby finds and recommends as follows:

1. On July 12, 2018, Delmarva Power & Light Company (“Delmarva”) filed an application (the “Application”) with the Delaware Public Service Commission (the “Commission”) pursuant to 26 *Del. C.* § 201 for Approval of a Voluntary Program for Prepaid Power (the “Prepaid Power Program” or the “Program”).

2. In PSC Order No. 9262, the Commission opened this docket, designated me as Hearing Examiner, directed notice of the Application to be publicly noticed pursuant to statute, and established a deadline for interventions. The Public Advocate exercised his statutory right to intervene pursuant to 29 *Del. C.* § 8716. No other intervention requests were received.

3. Three public comment sessions were held, at which a few representatives of social welfare agencies appeared in support of the proposed Program.

4. The parties conducted discovery and submitted prefiled direct and rebuttal testimony.

5. On March 27, 2019, I conducted an evidentiary hearing, at which the parties presented witnesses and those witnesses were cross-examined.

6. The Parties submitted post-hearing briefs.

7. After post-hearing briefing was completed but before I issued proposed findings and recommendations, Delmarva, Staff and the DPA notified me that they were conferring in an effort to resolve the matters raised in this docket, and jointly requested me to postpone issuing proposed findings and recommendations pending those negotiations. I agreed to do so.

8. On June 27, 2019, Delmarva, Staff and the DPA filed a Joint Motion to Stay this docket (the “Joint Motion”), in which they agreed to the following:

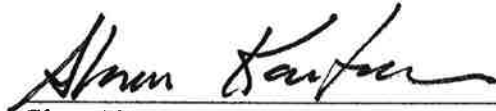
- a. The Parties will request the Commission to stay this docket pending the results of Baltimore Gas and Electric Company’s Prepaid Pilot Program (the “BGE Pilot”), the results of the BGE Pilot being disseminated, and Pepco or Delmarva filing an application for a prepaid power program in Maryland.
- b. Within a reasonable amount of time, not to exceed 60 days, of the conditions described in subparagraph (a) above having occurred, the Parties will meet to discuss the results of the BGE Pilot, Pepco and/or Delmarva’s filing for a prepaid power program in Maryland, and the Parties’ positions as to whether the Prepaid Power Program Delmarva proposed in Delaware should move forward as proposed, should be changed, or should be withdrawn.
- c. If, after the conditions described in subparagraphs (a) and (b) above have occurred, Delmarva still wants to implement the Prepaid Power Program in Delaware, Delmarva may request the Commission for leave to remove the stay and set a procedural schedule. The procedural schedule shall provide a deadline by when Delmarva must file supplemental testimony either (1) continuing to

continuing to propose the Prepaid Power Program as filed; or (2) amending its proposal. Neither DPA nor Staff will oppose Delmarva's request to remove the stay and file supplemental testimony.

- d. The procedural schedule shall also provide a deadline by when DPA and/or Staff may seek leave to file testimony responsive to Delmarva's supplemental testimony, if they choose to do so, as well a deadline for filing such testimony.

Delmarva will not oppose such a request.

9. I have considered the Joint Motion. Based on the representations and agreements reflected therein, as well as the issues that were raised during the evidentiary hearing and addressed in the post-hearing briefing, I recommend that the Commission **GRANT** the Joint Motion to Stay. A proposed form of order is attached for the Commission's consideration.



Glenn Kenton
Hearing Examiner

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF DELMARVA POWER & LIGHT) PSC DOCKET NO. 18-0953
COMPANY FOR APPROVAL OF A)
VOLUNTARY PROGRAM FOR PREPAID)
POWER (Filed July 12, 2018))

ORDER NO. XXXX

AND NOW, this 16th day of July, 2019, the Delaware Public Service Commission (“Commission”) hereby decrees and orders as follows:

WHEREAS, on July 12, 2018, Delmarva Power & Light Company (“Delmarva”) filed an application (the “Application”) with the Delaware Public Service Commission (the “Commission”) pursuant to 26 *Del. C.* § 201 for Approval of a Voluntary Program for Prepaid Power (the “Prepaid Power Program” or the “Program”); and

WHEREAS, in PSC Order No. 9262, the Commission opened this docket, designated a Hearing Examiner, directed notice of the Application to be publicly noticed pursuant to statute, and established a deadline for interventions; and

WHEREAS, an evidentiary hearing was held on March 27, 2019; and

WHEREAS, the Parties have completed post-hearing briefing; and

WHEREAS, after post-hearing briefing was completed but before the Hearing Examiner issued proposed findings and recommendations, Delmarva, Staff and the DPA conferred in an effort to resolve the matters raised in this docket and jointly requested the Hearing Examiner to postpone issuing proposed findings and recommendations pending those negotiations; and

WHEREAS, Delmarva, Staff and the DPA have filed a Joint Motion to Stay this

docket (the “Joint Motion”), in which they agree to the following:

- a. The Parties will request the Commission to stay this docket pending the results of Baltimore Gas and Electric Company’s Prepaid Pilot Program (the “BGE Pilot”), the results of the BGE Pilot being disseminated, and Pepco or Delmarva filing an application for a prepaid power program in Maryland.
- b. Within a reasonable amount of time, not to exceed 60 days, of the conditions described in subparagraph (a) above having occurred, the Parties will meet to discuss the results of the BGE Pilot, Pepco and/or Delmarva’s filing for a prepaid power program in Maryland, and the Parties’ positions as to whether the Prepaid Power Program Delmarva proposed in Delaware should move forward as proposed, should be changed, or should be withdrawn.
- c. If, after the conditions described in subparagraphs (a) and (b) above have occurred, Delmarva still wants to implement the Prepaid Power Program in Delaware, Delmarva may request the Commission for leave to remove the stay and set a procedural schedule. The procedural schedule shall provide a deadline by when Delmarva must file supplemental testimony either (1) continuing to propose the Prepaid Power Program as filed; or (2) amending its proposal. Neither DPA nor Staff will oppose Delmarva’s request to remove the stay and file supplemental testimony.
- d. The procedural schedule shall also provide a deadline by when DPA and/or Staff may seek leave to file testimony responsive to Delmarva’s supplemental testimony, if they choose to do so, as well a deadline for filing such testimony. Delmarva will not oppose such a request; and

WHEREAS, the Hearing Examiner has issued proposed findings and recommendations recommending that the Commission grant the Joint Motion; and

WHEREAS, the Commission has considered the Hearing Examiner's recommendation at its regularly-scheduled meeting and deliberated in public session;

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE
OF NOT FEWER THAN THREE COMMISSIONERS:**

1. We adopt the Hearing Examiner's proposed findings and recommendations.
2. This docket is hereby stayed pending the results of the BGE Pilot, the results of the BGE Pilot being disseminated, and Pepco or Delmarva filing an application for a prepaid power program in Maryland.
3. Within a reasonable amount of time, not to exceed 60 days, of the conditions described in ordering paragraph (2) above having occurred, the Parties shall meet to discuss the results of the BGE Pilot, Pepco and/or Delmarva's filing for a prepaid power program in Maryland, and the Parties' positions as to whether the Prepaid Power Program Delmarva proposed in Delaware should move forward as proposed, should be changed, or should be withdrawn.
4. If, after the conditions described in ordering paragraphs (2) and (3) above have occurred, Delmarva still wants to implement the Prepaid Power Program in Delaware, Delmarva may request the Commission for leave to dissolve the stay and set a procedural schedule. The procedural schedule shall provide a deadline by when Delmarva must file supplemental testimony either (1) continuing to propose the Prepaid Power Program as filed; or (2) amending its proposal. Neither DPA nor Staff shall oppose Delmarva's request to dissolve the stay and file supplemental testimony.

5. The procedural schedule shall also provide a deadline by when DPA and/or Staff may seek leave to file testimony responsive to Delmarva's supplemental testimony, if they choose to do so, as well a deadline for filing such testimony. Delmarva shall not oppose such a request.

6. The Commission retains jurisdiction and authority to enter such further orders as are deemed necessary or appropriate.

BY ORDER OF THE COMMISSION:

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary